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5 *Attorneys for Creditor Carolyn Stark*

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **DISTRICT OF NEVADA**  
9

10 In Re:

11 CARL LACKEY

12 Debtor.

Case No. 23-50403-hlb

Chapter 7

**EX PARTE MOTION FOR ORDER  
AUTHORIZING RULE 2004  
EXAMINATIONS**

***[NO HEARING REQUIRED]***

15 Carolyn Stark, Creditor herein, (the “Movant”) by and through her attorney, WOLF,  
16 RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP., hereby submit her ex parte motion (the  
17 “Motion”) for the examinations of:

18 a) Larry Johnson – he is the beneficiary of a GoFundMe page created for the benefit  
19 of the Debtor. However, this information is not listed in the Debtor's Schedules, and an  
20 examination is necessary to determine whether the GoFundMe page receipts and/or distributions  
21 should have been scheduled, as they might be considered property of the Estate.

22 b) Science First, LLC – this entity is the organizer of a GoFundMe page created for  
23 the benefit of the Debtor. However, this information is not listed in the Debtor's Schedules, and an  
24 examination is necessary to determine whether the GoFundMe page receipts and/or distributions  
25 should have been scheduled, as they might be considered property of the Estate.

26 c) Heather Lackey – she is the Debtor’s wife, none of whose financial information is  
27 provided in the Debtor’s Schedules. Some or all of her assets may include community property of  
28 the Debtor and therefore could potentially be property of the Estate. That information should have

1 been disclosed. Additionally, she is the President of a corporation by the name of Myotis, Inc; and

2 d) Myotis, Inc., a Nevada Corporation – this is a business operated by the Debtor's  
3 wife, advertising itself as a "family business". However, no information about this business is  
4 provided in the Schedules, and it is uncertain whether some or all of the assets of the corporation  
5 may be assets of the Estate.

6 These examinations pertain to the Debtor's assets and liabilities, financial statements, and  
7 other information, set forth in the Debtor's Schedules.

8 In Support of her Motion, Movant, respectfully represents as follows:

9 1. The Federal Rules of Bankruptcy Procedure ("Fed.R.Bankr.P.") provide that an  
10 examination may be secured by an ex parte motion. Fed.R.Bank.P.2004(a).

11 2. Upon motion of any party-in-interest, the Court may order the examination of any  
12 entity, and the attendance of any entity for examination and for production of documents may be  
13 compelled as provided in Fed.R.Bankr.P.9016 for the attendance of a witness at a hearing or trial.  
14 Fed.R.Bankr.P.2004(a)(c).

15 3. Local Rule 2004(b) for the United States Bankruptcy Court for the District of  
16 Nevada ("Local Rules") provides that orders for examination may be signed by the clerk if the  
17 date set for examination is more than fourteen (14) days from the date such motion is filed.

18 4. In compliance with Local Rule 2004(b), the proposed date for the requested  
19 examination is more than fourteen (14) days from the date this motion was filed.

20 5. Rule 2004(c) of the Local Rules provides that the production of documents may be  
21 obtained via subpoena as provided by Fed.R.Civ.P. 45(a)(1)(C) as adopted by Fed.R.Bankr.P.  
22 9016.

23 6. Movant request that the Rule 2004 Examinations of Larry Johnson, Science First,  
24 LLC., Heather Lackey, and Myotis, Inc., be conducted on or after August 25, 2023, beginning at  
25 9:00 a.m., 10:30 a.m., 1:30 p.m., and 3:00 p.m. respectively, or such other time as agreed to by the  
26 parties and their counsel, at Sunshine Litigation Services and Technologies., located at 151  
27 Country Estates Circle, Reno, Nevada 89511. A copy of the proposed subpoenas (the  
28

1 “Subpoenas”) for Rule 2004 Examination (which may be modified or supplemented) are attached  
2 hereto as **Exhibit “2”**.

3 7. The Motion is made to permit the Movant to examine Larry Johnson, Science First,  
4 LLC., Heather Lackey, and Myotis, Inc., on matters which relate to “the acts, conduct or property  
5 or to the liabilities and financial condition of the debtor, or to other matters which may affect the  
6 administration of debtor’s estate...” Fed.R.Bankr.P.2004(b).

7 WHEREFORE, Movant respectfully requests that this Court enter an Order pursuant to  
8 Fed.R.Bankr.P.2004 and Local Rule 2004 authorizing Carolyn Stark to conduct the Rule 2004  
9 Examinations of Larry Johnson, Science First, LLC., Heather Lackey, and Myotis, Inc., and for  
10 such other and further relief as the Court deems just and proper. A copy of the proposed Order is  
11 attached hereto as **Exhibit “1”**.

12 Accordingly, Movant respectfully requests the entry of an order granting this motion.

13 DATED: July 21, 2023

14 WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
15 RABKIN, LLP

16  
17 By



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22 Attorneys for Creditor Carolyn Stark  
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**LIST OF EXHIBITS**

Exhibit 1 Proposed Order

Exhibit 2 Proposed Subpoenas for Rule 2004 Examinations of Larry Johnson,  
Science First, LLC., Heather Lackey, and Myotis, Inc.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>th</sup> day of July, 2023, a true and correct copy of **EX PARTE MOTION FOR ORDER AUTHORIZING RULE 2004 EXAMINATIONS** was served via the United States Bankruptcy Court CM/ECF system on all parties or persons requiring notice.

By /s/ Carolyn Bott  
Carolyn Bott, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP